

Department of Education

3405.270

Agency Ethics Officer. If the HCA determines that a violation may have occurred, the HCA refers the report to the Procurement Executive for disposition.

Subpart 3403.3—Reports of Suspected Antitrust Violations

3403.301 General.

- (a) [Reserved]
- (b) Any Departmental personnel who have evidence of a suspected antitrust violation in an acquisition shall—
 - (1) Report that evidence through the HCA to the Office of the General Counsel for referral to the Attorney General; and
 - (2) Provide a copy of that evidence to the Procurement Executive.

Subpart 3403.4—Contingent Fees

3403.409 Misrepresentations or violations of the Covenant Against Contingent Fees.

Any Departmental personnel who suspect or have evidence of attempted or actual exercise of improper influence, misrepresentation of a contingent fee arrangement, or other violation of the Covenant Against Contingent Fees, shall report the matter promptly in accordance with the procedures in 3403.203.

Subpart 3403.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

3403.602 Exceptions.

Exceptions under FAR 3.602 must be approved by the Deputy Under Secretary for Management.

PART 3404—ADMINISTRATIVE MATTERS

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3404.1—Contract Execution

3404.170 Ratification of unauthorized contract awards.

The execution of otherwise proper contracts made by individuals without contracting authority, or by contracting officers acting in excess of the limits of their delegated authority, may be later ratified by the Department. To be effective, a ratification must be—

- (a) A written document clearly stating that ratification of a previously unauthorized act is intended; and
- (b) Signed by the HCA, or higher level official of the Department, who could have granted authority to enter into the commitment at the time it was made and still has the power to do so.

[53 FR 19120, May 26, 1988]

PART 3405—PUBLICIZING CONTRACT ACTIONS

Subpart 3405.2—Synopsis of Proposed Contract Actions

Sec.

3405.270 Notices to perform market surveys.

Subpart 3405.5—Paid Advertisements

3405.502 Authority.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3405.2—Synopsis of Proposed Contract Actions

3405.270 Notices to perform market surveys.

(a) If a sole-source contract is anticipated, the issuance of a notice of a proposed contract action that is detailed enough to permit submission of meaningful responses and subsequent evaluation of the responses by the Government, constitutes an acceptable market survey.

(b) The notice must include—

- (1) A clear statement of the supplies or services to be procured;
- (2) Any capabilities or experience required of a contractor and any other factors relevant to those requirements; and

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(3) The criteria, including relative weights, to be used in the evaluation of responses.

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**Subpart 3405.5—Paid
Advertisements**

3405.502 Authority.

Authority to approve publication of paid advertisements in newspapers is delegated to the HCA.

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